



**MINUTES OF THE SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/HOUSING AUTHORITY/  
REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 26, 2004, 8:00 p.m.**

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**MEETING**

The Meeting of the Special Joint City Council/Housing Authority/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Jimenez.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Quirk, Halliday, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: COUNCIL/RA MEMBERS None

**PUBLIC COMMENTS**

Samuel Fuenzalida announced that Latino Business Roundtable of the Chamber of Commerce will be celebrating on January 19, 2005, in honor of Council Member Jimenez at the Shakers Grill and Café. He also announced that the restaurant will be serving a special "MJ Sandwich."

Adrian Escoto spoke in opposition to the renaming of Cal State University at Hayward.

Harry Bruno commented on the statement made by Mayor Cooper two weeks ago regarding the police investigative report. He also spoke on his recall efforts.

Jason Moreno showed a photo of a property that was previously reported in need of community preservation.

Francisco Abrantes reiterated his concerns related to a property on Grand Street and the impact of a fence that was constructed.

Ben Bruno spoke on the recall and stated that his group has more than 6,000 signatures and will be collecting more on Election Day.

Al Reynolds commended the Council on its efforts to maintain the name Cal State Hayward.

Dr. Evanhelina Heneda, a resident since 1978, stated that she was encouraged to speak on behalf of many friends and expressed her concerns about the health of this City. She spoke favorably on the work of the Mayor, Council, and City Manager Armas to revitalize this community. She ascertained that property values have risen due to this revitalization and urged continued efforts towards a better Hayward.

Carlos Gutierrez announced a special event, "Dia de los Muertos," that will be held at his restaurant, Shakers Grill and Café of Hayward, on Saturday, October 30, 2004.

***DRAFT***

Joseph Oberman stated that he was not certain that the police investigative report had been completely reviewed by Council so that the public is assured that the resulting action was accurate.

## **BOARDS AND COMMISSIONS**

1. Confirm Appointments and Reappointments to the Various Boards and Commissions/Administer Oath of Office

Staff report submitted by City Clerk Reyes, dated October 26, 2004, was filed.

It was moved by Council Member Quirk, seconded by Council Member Jimenez, and carried unanimously, to adopt the following:

Resolution 04-157, "Resolution Confirming the Appointments of Members to Advisory Boards and Commissions"

City Clerk Reyes administered the Oath of Office to the five new members to the Library Commission, the Planning Commission and the Human Services Commission.

## **CONSENT**

2. Approval of Minutes of the City Council Meeting of October 12, 2004

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried unanimously, to approve the minutes of the City Council Meeting of October 12, 2004 with minor revisions by Council Member Dowling.

3. Approval of Minutes of the Joint City Council/Redevelopment Agency Meeting of October 19, 2004

It was moved by Council/RA Member Ward, seconded by Council/RA Dowling, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of October 19, 2004.

4. Annual Investment Report, Revisions to Statement of Investment Policy and Delegation of Investment Authority

Staff report submitted by Acting Director of Finance and Internal Services Lewis, dated October 26, 2004, was filed.

It was moved by Council/RA/HA Member Ward, seconded by Council/RA/HA Member Dowling, and carried unanimously, to adopt the following:



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Resolution 04-158, "Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

HA Resolution HA04-01 "Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

RA Resolution RA 04-15 "Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Reaffirming the Statement of Investment Policy and Renewing the Delegation of Authority to Make Investments to the Director of Finance"

5. Public Improvements in the Cannery Area: Authorization for Professional Services Agreement with Berryman & Henigar

Staff report submitted by Deputy Director of Public Works Bauman, dated October 26, 2004, was filed.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and carried unanimously, to adopt the following:

Resolution 04-159, "Resolution Amending Resolution RA 04-07, As Amended, the Redevelopment Budget Resolution for Fiscal Year 2004-2005, Relating to an Appropriation of Funds from the Redevelopment Tax Allocation Bonds Fund, Fund 454 for the Public Improvements in the Cannery Area Project, Project No. 5099"

RA Resolution RA 04-16, "Resolution Authorizing the Executive Director to Execute a Professional Services Agreement with Berryman & Henigar for the Design of the Public Improvements in the Cannery Area Project, Project No. 5099"

## **LEGISLATIVE BUSINESS**

6. Consideration of the Modified Route 238 Corridor Improvement Project

Staff report submitted by City Manager Armas, dated October 26, 2004, was filed.

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City Manager Armas described the modified project for the Route 238 Corridor Improvement Project using slides and maps. He reported that Council Member Dowling recommended a possible solution to alleviate the access issues at Moreau High School. He responded to questions from Council.

Council Member Henson asked about the funding for this proposed project. He asked about the aftermath of the ruling.

City Manager Armas reviewed the past funding proposals starting with the 1986 Measure B, when approximately \$70 million dollars was earmarked for this project. ACTA raised the amount to \$111 million dollars as cost of construction rose. The City was informed that the first amount was allocated to the City's project, but the \$41 million was placed in a project contingency. No further sales tax is being allocated to ACTA. Thus, it has asked whether there is a project and if not re-allocated the \$41 million dollars. He reported that the judge gave the ruling of the court that declared that the project described in the voter's pamphlet was not the same project as CalTrans was proposing to pursue and not the same project that had been addressed environmentally. ACTA convened a group of proponents and opponents to identify a project that might be a reasonable substitute and is an earlier version of current proposed project.

City Manager Armas stated that ACTA decided to gather the proponents and opponents to agree on a project, which was an earlier version of what was presented. He stated that the Council's actions is to advance to ACTA a project that the City believes is a project that aligns with the funding by Measure B. This is not to act on the EIR determination, but to make sure that ACTA earmarks the funding and then proceeds to seek funding for the environmental review. He stated that the proposed project design guidelines would need to be reviewed by CalTrans and that Mission Boulevard and Jackson would need to be undesignated as State highways. The process with CalTrans involves numerous steps.

Council Member Ward asked about advance options and whether further analysis would occur. He asked whether a consulting firm could provide the analysis. This could take an additional two years to complete. Council Member Ward ascertained his concerns on the impacts to pedestrians. In response to the staff report relating to encouraging redevelopment, he reported that three businesses on the east side of Foothill are currently renovating and investing significant private resources that would be impacted by this project. In his opinion, this did not make sense. He expressed his concerns on the vacancies that could occur if this proposal goes forth. He worried that there could be vacant land for a long time. He commented on the existing auto-related uses and noted that the need for pedestrian access is not as great as that needed in the downtown corridor. In his experience, he agreed that the Carlos Bee and Mission Boulevard intersection does need two eastbound lanes.

City Manager Armas explained that further implications could occur in that intersection as a portion of that corner parcel is owned by the State.

Mayor Cooper opened the public hearing at 9:22 p.m.

Mary Vardy spoke against the proposed project. She urged the Council to support businesses, create jobs, and promote frequent public transportation that is powered by hydroelectricity as in Sweden.



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Lisa Brunner voiced her opposition and supported a favorable business environment. She submitted a statement.

Audrey LePell, representing, Citizens for Alternative Transportation Solutions (CATS), spoke against the project that includes the over-widening of Foothill Boulevard, and suggested that the CATS alternative be included in the final study. She described the “loop” system and asked that it be studied as part of this process. She stated that this is a reasonable request.

Dr. Joseph Connell spoke in support of the Mission Boulevard widening to alleviate traffic congestion near Moreau Catholic High School.

Charley Cameron submitted a card, but did not speak. He submitted a statement.

Elie Golstein, business owner, stated that this project does not support this community.

Rudy Grasseschi, owner of the Cobblers Shoe Store, stated that there is no congestion on Foothill Boulevard. He stated that 37 downtown businesses pay sales taxes and are against this proposal.

Jerry Feiger stated that he lives on Lancaster Road and commented against the ten-lane freeway in the middle of the downtown calling it a misguided project.

Al Reynolds asked how long this project would take to construct. It was noted that the project would take four years.

Alex Aguilar stated that this project will not improve the downtown, but will eliminate some viable businesses.

John Sands stated that he is against the widening of Foothill Boulevard to ten lanes. He stated that the quality of life in Hayward is worth more than the Measure B funding.

Joseph Oberman stated that he supported the original 238 Bypass Plan and spoke in opposition to the project as presented. He could not understand the twenty-foot width of the proposed landscaped medians.

Archie Cox spoke in opposition of the project.

Ed Bullock spoke against the project.

Jim Gebel stated that out of town traffic transits Hayward and suggested a through-pass built on 15-foot piers that would traverse over Hayward streets. He submitted a statement.

Deslar Patten stated that he was opposed to the original bypass, but stated that this modified project could be acceptable if the project could be scaled down to eight lanes rather than the proposed ten lanes.

Mary Ann Faue spoke in favor of the project. She appreciated the work done to reach this modified plan that impacts fewer parcels that include businesses rather than residences. As it goes forward, she suggested the City help the businesses relocate and assist them in their situations.

Frank Goulart suggested the one-way loop, as proposed by CATS, be studied as well. He suggested a regional solution that includes neighboring jurisdictions be considered rather than what is being recommended.

Ed Mullin, speaking on behalf of the Chamber of Commerce, noted that the working group had difficulty in agreeing to this modification. He stated that the Chamber of Commerce is in opposition and submitted a statement on its behalf. He suggested that spot improvements be made at various intersections including the Carlos Bee intersection.

Evelyn Cormier spoke in opposition of widening Foothill, as this would not benefit downtown businesses. The grade separation would benefit and improve the Carlos Bee intersection. She suggested aesthetic improvements that could enhance Mission Boulevard.

Suzanne Cox submitted a card, but did not speak.

Steve Murtaugh spoke against the project and commented on the impacts and influence of developers on the Council.

Ann Bett Corley submitted a card, but did not speak. She noted on the speaker card that she represented three votes (herself, Ron and Lula Marshall) to keep Rt. 238 narrow and low.

Jason Moreno spoke in opposition.

Paul Dixon, representing Copy Mat, stated that this business has been in Hayward over 20 years and spoke against the project.

Robert Lopez spoke in opposition to the widening of Foothill, but agreed with the grade separation. He asked that the loop be considered as well as the bypass.

At 10:30 p.m. Mayor Cooper called for a recess and reconvened at 10:36 p.m.

Peter Reimer submitted a card, but did not speak.

Judy Nadrowski lives on the corner of Main and E Street. She expressed concerns for the KFC on Armstrong and Main. She suggested reducing the grade separation. She urged the Council to vote in reflection to voiced concerns.



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Linda Bennett stated that she felt that the downtown needs to be more pedestrian friendly. She opposed the magnitude of the project. She commented as an individual, a businesses owner on B Street, and as a member of the Friends of the San Lorenzo Creek.

Sheila Jung opposed the one-way couplet. She spoke on the impact on businesses on the east side of Foothill Boulevard and urged other alternatives be considered.

Bonnie Peyton, a resident on Pinedale Court, spoke in opposition to the modified project. She was disappointed that the goal is to spend the money. She would prefer beautification of the gateways. She felt that there were many outstanding questions, including going forward on an EIR study without knowing the actual project.

Sherman Lewis submitted a statement from the Hayward Area Planning Association opposing the project. He briefly discussed some of its contents as suggested to improve the downtown street grid, including City Center Drive, McKeever Court, and Fourth Street. He also suggested down scaling the grade separation. He was opposed to the cutting off at Main and Armstrong. He also suggested a light at Pinedale. He supported some widening. He did not think the Pentecostal church should be taken. He supported the Moreau High School access improvement.

Diane Ferchel felt that this final project proposal took much hard work only to isolate and separate neighborhoods. She spoke in opposition to the project. She felt that this would cause a boxed-in concept and reduce badly needed pedestrian accesses and bicycle routes. She showed photos of disabled pedestrians and students from the nearby schools trying to cross Foothill and Mission Boulevard.

Barbara Fields owns property near B Street and was opposed to the project. She also spoke in favor of pedestrian needs.

Susan Silva submitted a card, but did not speak.

Gregory Olberg, a chiropractor, operates his business on the west side of Foothill and commented on the already impacted access to his business. As a life-long resident and educated in Hayward, he expressed his concerns on the downtown traffic and impacted parking. He stated that the four years of construction would wipe out his business.

Lorraine Joseph spoke against the project that could eliminate her full-service salon on Foothill. She expressed with certainty that she has invested her life savings in her business, The Elegant Palace, and that she motivates and helps women improve their self esteem.

Steven Jones is a new business owner on the corner of Foothill and A Street. He spoke against the proposal and urged Council to maintain its downtown community.

Cathy Super spoke against the project. She walks from Cannery Court to the downtown and is familiar with the difficulties in crossing downtown streets. She agreed with the suggestion of Frank Goulart. She also suggested that the vacant State properties be used for traffic overflow.

Mayor Cooper closed the public hearing at 11:09 p.m.

Mayor Cooper stated that due to the lateness of the hour, the decision on this matter be postponed until November 9<sup>th</sup> to give Council additional time to consider options. She used her Council Prerogative to continue this item.

Council Member Ward agreed that this is not an easy decision to make and additional time may help. He thought that the Council should fashion some alternative for staff to investigate. This would give those in attendance a sense of where this Council stands, noting that the ACTIA representatives were present.

Council Member Dowling agreed with Council Member Ward that it would be good to offer some thoughts on the matter. He disagreed with holding over the decision, but recognized the protocol. He appreciated all who attended, the leadership of the Mayor and City Manager Armas. He felt that consensus on this matter could be determined by the number of speakers for it, which were two, and the 31 speakers against the ten-lane widening. He felt that the rest of the plan was still rather strong on the grade separation on Foothill, the Carlos Bee intersection improvements. He supported 8 lanes by taking away the parking lanes. He emphasized that the redevelopment in the downtown needs to happen between City Center and B Street. He felt that the cinema center should not have been approved if this was the final proposal. He appreciated the speaker that showed photos of students and other pedestrians. He noted that ACTIA has funding for the four lanes. In terms of losing Measure B funding, he felt that it should be well spent and could help with cost overruns for city transportation projects. He suggested there be serious review of the one way loop proposal. He hoped Council would support the Mission and Jefferson improvements. He also agreed that the idea from Linda Bennett should be reviewed.

Council Member Ward thanked everyone present on their participation and effort and, in particular, Bob Billmire for his dedication towards this proposal. Council Member Ward offered for consideration what he wanted for the downtown. He agreed with Council Member Dowling in maintaining the existing right of way. He agreed with the proposed improvements around Moreau High School. He agreed with improving access to Cal State Hayward with an additional left turn lane at Carlos Bee Boulevard. He thought that it would be appropriate to consider the cross streets along Mission Boulevard, with the suggestion to close Pinedale Court. His goal is to eliminate the over-widening and the taking of businesses in the downtown core.

Council Member Henson also stated his concerns with the over-widening as well, stating that ten lanes in the downtown could be a nightmare. He recommended reviewing options either on this alternative or another. He felt that Hayward should gain some of the dollars from those traversing the downtown. He compared the widening to the one in Las Vegas. He appreciated staff and the working group for this proposal.





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Council Member Jimenez subscribed to the Council Prerogative; however, he did not feel that over 30 speakers should have to return in two weeks. He was assured that Casa Sandoval residents could still cross the street and that there would be improved access to Moreau Catholic High School and St. Clements School.

Council Member Halliday stated that the final project would be a compromise. She was pleased to hear from the speakers who came and asked for a walk-able livable downtown. During her campaign, she had heard that traffic was the main issue in the downtown. She thanked the staff, the committee and the citizen input for this proposal, and noted that it is not easy to find a solution to solve and satisfy all the problems. She was open to listening to all of the suggestions and emphasized that decisions should not be made in haste and agreed with the continuance.

Mayor Cooper reiterated that she had never been supportive of the Route 238 project. She reported that she sits on both ACTA and ACTIA as a representative, but was directed by the voters of Hayward to support the 238 project. This has been around for too long and this decision must go forward. She did not agree that this "40-year plus" debate should continue. She felt that the EIR should go forward. She urged that a decision be considered. She suggested considering three options: 1) that things remain exactly the same; 2) that the "loop system" be considered; 3) that Foothill not be widened; and 4) that the project would go forth as presented. She felt that options should be considered and the ultimate decision be made on November 9<sup>th</sup>. She asked that speakers refrain from repeating their comments at that meeting.

## **COUNCIL REPORTS**

There were no Council reports.

## **ADJOURNMENT**

Mayor Cooper adjourned the meeting at 11:35 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency  
Chair, Housing Authority

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency  
Secretary, Housing Authority

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